

**ASSEMBLY BILL**

**No. 478**

**Introduced by Assembly Member Lieber**

February 16, 2005

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An act to amend Sections 3419 and 3423 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 478, as introduced, Lieber. Female inmates.

Existing law provides that an inmate who gives birth after her receipt by the Department of Corrections may be declared eligible to participate in a community treatment program that provides for the release of the mother and child to a public or private facility in the community suitable to their needs.

This bill would require any community treatment program in which such an inmate participates to include prenatal care, access to prenatal vitamins, childbirth education, and infant care.

Existing law provides that any inmate who would give birth to a child during her term of imprisonment may be temporarily taken to a hospital outside the prison for childbirth.

This bill would provide that the inmate shall not be shackled by the wrists, ankles, or both during the birthing process.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 3419 of the Penal Code is amended to  
2     read:

1     3419. (a) In the case of any inmate who gives birth after her  
2 receipt by the Department of Corrections, the department shall,  
3 subject to reasonable rules and regulations promulgated pursuant  
4 to Section 3414, provide notice of, and a written application for,  
5 the program described in this chapter, and upon her request,  
6 declare the inmate eligible to participate in a program pursuant to  
7 this chapter if all of the requirements of Section 3417 are met.

8     (b) The notice provided by the department shall contain, but  
9 need not be limited to, guidelines for qualification for, and the  
10 timeframe for application to, the program and the process for  
11 appealing a denial of admittance.

12     (c) *Any community treatment program, in which an inmate*  
13 *who gives birth after her receipt by the Department of*  
14 *Corrections participates, shall include, but is not limited to, the*  
15 *following:*

16     (1) *Prenatal care.*

17     (2) *Access to prenatal vitamins.*

18     (3) *Childbirth education.*

19     (4) *Infant care.*

20     SEC. 2. Section 3423 of the Penal Code is amended to read:

21     3423. Any woman inmate who would give birth to a child  
22 during her term of imprisonment may be temporarily taken to a  
23 hospital outside the prison for the purposes of childbirth, and the  
24 charge for hospital and medical care shall be charged against the  
25 funds allocated to the institution. *The inmate shall not be*  
26 *shackled by the wrists, ankles, or both during the birthing*  
27 *process.* The board shall provide for the care of any children so  
28 born and shall pay for their care until suitably placed, including,  
29 but not limited to, placement in a community treatment program.